

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**SANDRA FAY GIPSON, as Administratrix of,
and Personal Representative on Behalf of the
Wrongful Death Beneficiaries of the Estate of
CHARLES ELLIOTT McGREW, Deceased**

PLAINTIFF

V.

CIVIL ACTION NO. 3:16-cv-624 DPJ-FKB

**MANAGEMENT & TRAINING CORPORATION
and JOHN AND JANE DOES 1-100**

DEFENDANTS

PLAINTIFF'S RESPONSE TO MTC'S MOTION FOR SUMMARY JUDGMENT

Sandra Fay Gipson ("Plaintiff") files this Response to MTC's Motion for Summary Judgment as follows:

1. This is a wrongful death case. Charles Elliott McGrew (Mr. McGrew) was an inmate incarcerated at the East Mississippi Correctional Facility ("EMCF"). MTC is a private prison operator which contracted with the Mississippi Department of Corrections ("MDOC") to run the facility.

2. On June 10, 2014 Mr. McGrew was strangled and killed by his cellmate Brian Bullock. The Plaintiff has brought state law causes of action against MTC as well as federal civil rights causes of action pursuant to 42 U.S.C. §1983.

3. As set forth fully in Plaintiff's separate Memorandum Brief, there are genuine issues of material fact which preclude MTC's motion for summary judgment.

4. In support of the instant motion, Plaintiff relies upon her separate Memorandum Brief, as well as the following exhibits which are separately/conventionally, UNDER SEAL, with the Clerk of Court:

Exhibit 1 – Dockery Class Action Complaint

Exhibit 2 – Brian Bullock Deposition
Exhibit 3 – Sistrunk’s Memo dated November 5, 2013
Exhibit 4 – Brady Sistrunk’s Deposition
Exhibit 5 – Sistrunk’s Memo dated May 12, 2014
Exhibit 6 – Christopher Dykes Deposition
Exhibit 7 – Brian Bullock’s Confession
Exhibit 8 – Matthew Naidow’s Deposition
Exhibit 9 – Judge Barbour’s Opinion and Order in *Dockery* Case
Exhibit 10 – MDOC Compliance Reports
Exhibit 11 – Staff meeting notes
Exhibit 12 – Marjorie Brown’s Deposition
Exhibit 13 – Post Orders
Exhibit 14 – Stephen Huffman’s First Deposition
Exhibit 15 – Stephen Huffman’s Second Deposition
Exhibit 16 – Rich Subia’s Expert Report
Exhibit 17 – Rich Subia’s Supplemental Report
Exhibit 18 – Rich Subia’s Second Supplemental Report
Exhibit 19 – *Dockery* Class Action Memorandum Brief

RESPECTFULLY SUBMITTED, THIS the 12th day of October, 2017.

SANDRA FAY GIPSON, PLAINTIFF

BY: /s/ Charles R. Mullins
CHARLES R. MULLINS

OF COUNSEL:

CHARLES R. MULLINS (MB# 9821)
MERRIDA (BUDDY) COXWELL (MB# 7782)
COXWELL & ASSOCIATES, PLLC
Post Office Box 1337
Jackson, Mississippi 39215-1337
Telephone: (601) 948-1600
Facsimile: (601) 948-1600
chuckm@coxwelllaw.com
merridac@coxwelllaw.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, Charles R. Mullins, counsel of record for the Plaintiff, Sandra Fay Gipson, in the above-styled and referenced matter, do hereby certify that I have this caused the above and foregoing *Plaintiff's Response to MTC's Motion for Summary Judgment* to be filed via the ECF system, which sent notification thereof to the following persons of interest:

R. JARRAD GARNER
RICHARD DAVIS
ADAMS & REESE, LLP
1018 Highland Colony Parkway, Suite 800
Ridgeland, Mississippi 39157
Jarrad.garner@arlaw.com
Ben.morgan@arlaw.com

THIS, the 12th day of October, 2017.

/s/ Charles R. Mullins
CHARLES R. MULLINS